

AMENDED IN ASSEMBLY MAY 3, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1536**

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**Introduced by Assembly Member Miller**

January 24, 2012

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An act to amend Section 23123.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 1536, as amended, Miller. Vehicles: electronic wireless communications: prohibitions.

Existing law prohibits a person from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, except as specified.

This bill would remove that prohibition if the person is using ~~a voice-operated, hands-free device~~ *an electronic wireless communications device that is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send, or listen to a text-based communication, and it is used in that manner while driving.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 23123.5 of the Vehicle Code is amended
- 2 to read:
- 3 23123.5. (a) A person shall not drive a motor vehicle while
- 4 using an electronic wireless communications device to write, send,
- 5 or read a text-based communication, unless ~~the person is using a~~

1 ~~voice-operated, —hands-free—device~~ *electronic wireless*  
2 *communications device is specifically designed and configured to*  
3 *allow voice-operated and hands-free operation to dictate, send,*  
4 *or listen to a text-based communication, and it is used in that*  
5 *manner while driving.*

6 (b) As used in this section “write, send, or read a text-based  
7 communication” means using an electronic wireless  
8 communications device to manually communicate with any person  
9 using a text-based communication, including, but not limited to,  
10 communications referred to as a text message, instant message, or  
11 electronic mail.

12 (c) For purposes of this section, a person shall not be deemed  
13 to be writing, reading, or sending a text-based communication if  
14 the person reads, selects, or enters a telephone number or name in  
15 an electronic wireless communications device for the purpose of  
16 making or receiving a telephone call or if a person otherwise  
17 activates or deactivates a feature or function on an electronic  
18 wireless communications device.

19 (d) A violation of this section is an infraction punishable by a  
20 base fine of twenty dollars (\$20) for a first offense and fifty dollars  
21 (\$50) for each subsequent offense.

22 (e) This section does not apply to an emergency services  
23 professional using an electronic wireless communications device  
24 while operating an authorized emergency vehicle, as defined in  
25 Section 165, in the course and scope of his or her duties.